

Howrey Docket No.: 01339.0005.00US01
Cal Tech Ref. No. CIT-3197

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4-1-04

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Nathan J. Litke, et al.

Appl. No.: 09/833,266

Filed: April 11, 2001

For: **METHOD OF TRIMMING A
REPRESENTATION OF AN OBJECT
SURFACE COMPRISING A MESH OF
TESSELATED POLYGONS AND
RELATED SYSTEM**

Art Unit: 2128

Examiner: Thai Q. Phan

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**Terminal Disclaimer to Obviate a Double Patenting
Rejection Under 37 C.F.R. § 1.321(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CALIFORNIA INSTITUTE OF TECHNOLOGY represents that it is the owner of the entire right, title, and interest of U.S. Patent Application No. 09/833,267, and U.S. Patent No. 6,603,473 that issued therefrom, by virtue of an Assignment from inventors Nathan J. Litke, Adi Levin, and Peter Schroeder executed on May 25, 2001, June 12, 2001, and June 1, 2001, respectively, and recorded on July 16, 2001, at Reel 012007, Frame 0050. **CALIFORNIA INSTITUTE OF TECHNOLOGY** further represents that it is the owner of the entire right,

CERTIFICATE OF MAILING
(37 C.F.R. § 1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 22 2004
Date of Deposit

Robin L. Clow
Name of Person Mailing Paper

B. Clow
Signature of Person Mailing Paper

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title, and interest of the above-named Application No. 09/833,266 by virtue of an Assignment from inventors Nathan J. Litke, Adi Levin, and Peter Schroeder executed on May 25, 2001, June 12, 2001, and June 1, 2001, respectively, and recorded on August 10, 2001, at Reel 012077, Frame 0554.

Establishing Right of Assignee to Take Action Under 37 C.F.R. § 3.73(b)

In accordance with 37 C.F.R. § 3.73(b)(2), the undersigned affirms that he is an attorney or agent of record duly authorized to act on behalf of the assignee.

Disclaimer

CALIFORNIA INSTITUTE OF TECHNOLOGY hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the expiration of U.S. Patent No. 6,603,473 granted on its co-owned U.S. Application No. 09/833,267, and hereby agrees that any patent granted on the above-identified application, or any patent granted on the above-identified application and subject to a reexamination proceeding, shall be enforceable only for and during such period that said patent is commonly owned with U.S. Patent No. 6,603,473, the patent that formed the basis of the obviousness type double patenting rejection, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.


Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as currently shortened by any terminal disclaimer, of U.S. Patent No. 6,603,473 in the event that such patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as shortened by any terminal disclaimer filed prior to its grant, except for the separation of legal title stated above.

This disclaimer is accompanied by the fee set forth under 37 C.F.R. § 1.20(d). The U.S. Patent and Trademark Office is hereby authorized to charge this fee, and any fee deficiency, to our Deposit Account No. **08-3038**, referencing Docket No. 01339.0005.00US01.

Respectfully submitted.

HOWREY SIMON ARNOLD & WHITE LLP

Date: March 22, 2004


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